

JS 44 (Rev. 12/07, NJ 5/08)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS**KELLI MCREYNOLDS**(b) County of Residence of First Listed Plaintiff **Philadelphia**

(c) Attorney's (Firm Name, Address, Telephone Number and Email Address)

Lane J. Schiff, Esquire
Console Law Offices LLC
 1525 Locust Street, 9th Floor
 Philadelphia, PA 19102 215-545-7676

DEFENDANTS

MARKETLAB, INC., D/B/A FOCUS POINTE GLOBAL &
MARKETLAB RESEARCH, INC., D/B/A FOCUS POINTE GLOBAL

County of Residence of First Listed Defendant

Philadelphia

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
 42 U.S.C. §2000e, et seq. ("Title VII"), 43 P.S. §951, et seq. ("PHRA"); Practices Ordinance, Phila. Code §9-1101, et seq. ("PPFO").
 Brief description of cause:
 Plaintiff is alleging sexual harassment and retaliation.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 in excess of 150,000.00

CHECK YES only if demanded in complaint:
 JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S)

(See instructions):

JUDGE

DOCKET NUMBER

Explanation:

DATE

SIGNATURE OF ATTORNEY OF RECORD

September 2, 2016

APPENDIX I

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIACASE MANAGEMENT TRACK DESIGNATION FORM

Kelli McReynolds

CIVIL ACTION

y Plaintiff,

MarketLab, Inc. d/b/a Focus Pointe Global & MarkeLab
Research, Inc., d/b/a Focus Pointe Global

NO.

Defendants.

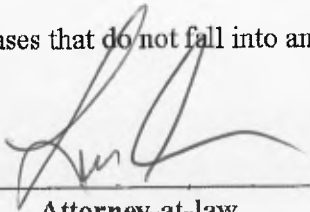
In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. §2241 through §2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

September 2, 2016

Date


Attorney-at-law

Lane J. Schiff, Attorney for Kelli McReynolds

Attorney for Plaintiff

(215) 545-7676

Telephone

(215) 405-2964

FAX Number

schiff@consolelaw.com

E-Mail Address

UNITED STATES DISTRICT COURT

APPENDIX F

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: **Philadelphia, PA 19145**

Address of Defendant: **100 East Penn Square, Suite 1200, Philadelphia, PA 19107**

Place of Accident, Incident or Transaction: _____

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐ No ☐

Does this case involve multi-district litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☒ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases
(Please specify)

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases

(Please specify)

ARBITRATION CERTIFICATION

(Check appropriate Category)

I, **Lane J. Schiff, Esquire**, counsel of record do hereby certify:

☒ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs.

☒ Relief other than monetary damages is sought.

DATE: **September 2, 2016**

Attorney-at-Law

314179

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: **September 2, 2016**

Lane J. Schiff, Esquire

314179

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA**

KELLI MCREYNOLDS
Philadelphia, PA 19145

Plaintiff,

v.

**MARKETLAB, INC., D/B/A FOCUS
POINTE GLOBAL
100 East Penn Square, Suite 1200,
Philadelphia, PA 19107**

&

**MARKETLAB RESEARCH, INC., D/B/A
FOCUS POINTE GLOBAL
100 East Penn Square, Suite 1200,
Philadelphia, PA 19107**

Defendants.

CIVIL ACTION NO.

JURY TRIAL DEMANDED

CIVIL ACTION COMPLAINT

I. INTRODUCTION

Plaintiff, Kelli McReynolds, brings this action against her former employers, Defendants, Marketlab, Inc. d/b/a Focus Pointe Global, and Marketlab Research, Inc. d/b/a Focus Pointe Global. Plaintiff was subjected to egregious sexual harassment, including a male supervisor telling Plaintiff that she had “nice tits” and a “nice ass”, and referring to Plaintiff, and other female employees, as “bitch”. Despite Plaintiff complaining, repeatedly, regarding Defendants’ sex discriminatory conduct. Defendants failed to take action regarding the same. As a result of Defendants’ sex discriminatory and retaliatory conduct, and their failure to take action regarding the same, Plaintiff was constructively discharged from her employment. Plaintiff brings this

action for unlawful harassment, discrimination, and retaliation, in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e, *et seq.* (“Title VII”), the Pennsylvania Human Relations Act, as amended, 43 P.S. §951, *et seq.*, (“PHRA”), and the Philadelphia Fair Practices Ordinance, Phila. Code §9-1101, *et seq.* (“PFPO”). Plaintiff seeks damages, including back-pay, front-pay, compensatory, punitive, costs and attorneys’ fees, and all other relief that this Court deems appropriate.

II. PARTIES

1. Plaintiff, Kelli McReynolds, is an individual and a citizen of the Commonwealth of Pennsylvania. She resides in Philadelphia, Pennsylvania.

2. Defendant Marketlab, Inc. d/b/a Focus Pointe Global is a corporation maintaining a place of business at 100 East Penn Square, Suite 1200, Philadelphia, Pennsylvania 19107. Plaintiff’s Form W2 are from Defendant Marketlab, Inc.

3. Defendant Marketlab Research, Inc. d/b/a Focus Pointe Global is a corporation maintaining a place of business at 100 East Penn Square, Suite 1200, Philadelphia, Pennsylvania 19107.

4. At all times material hereto, Defendants collectively constituted Plaintiff’s employers under the joint and/or single employer doctrine. Upon information and belief, Defendants shared common management, had interrelated operations, and collectively controlled Plaintiff’s job duties and responsibilities.

5. At all times material hereto, Defendants were employers within the meanings of the statute that form the basis of this matter.

6. At all times material hereto, Plaintiff was an employee within the meanings of the statute that form the basis of this matter.

III. JURISDICTION AND VENUE

7. The causes of action that form the basis of this matter arise under Title VII, the PHRA, and the PFPO.

8. The District Court has jurisdiction over Count I (Title VII) pursuant to 28 U.S.C. §1331.

9. The District Court has supplemental jurisdiction over Count II (PHRA) and Count III (PFPO) pursuant to 28 U.S.C. §1367.

10. Venue is proper in the District Court pursuant to 28 U.S.C. §1391(b) and 42 U.S.C. §2000e-5.

11. On or about December 8, 2015, Plaintiff filed a Charge of Discrimination with the Equal Employment Opportunity Commission (“EEOC”), complaining of the acts of discrimination alleged herein (“Charge”). Attached hereto, incorporated herein, and marked as Exhibit “A” is a true and correct copy of the EEOC Charge of Discrimination (with minor redactions for purposes of electronic filing of confidential/identifying information).

12. On or about June 6, 2016, the EEOC issued to Plaintiff a Notice of Right to Sue. Attached hereto, incorporated herein, and marked as Exhibit “B” is a true and correct copy of this notice (with minor redactions for purposes of electronic filing of confidential/identifying information).

13. Plaintiff is filing this complaint within ninety (90) days from her receipt of this notice.

14. Plaintiff has fully complied with all administrative prerequisites for the commencement of this action.

IV. FACTUAL ALLEGATIONS

15. Plaintiff was employed by Defendants from on or about July 27, 2007 until on or about October 9, 2015.

16. Plaintiff was a dedicated, loyal, and hardworking employee. Plaintiff consistently performed her job duties in an excellent manner.

17. Plaintiff held the position of Recruiter from the time she commenced employment until on or about July 19, 2011.

18. On or about July 19, 2011, Plaintiff was promoted to Quality Control Coordinator. At that time, Plaintiff began reporting to Kelly Frake, Executive Vice President, Recruiting Department.

19. During Plaintiff's employment, Defendants subjected her to discriminatory conduct and comments because of her sex.

20. Defendants' sex discriminatory conduct included, but was not limited to the following:

- a. David Chapman, Supervisor, Recruiting Department, and above Plaintiff's level, telling Plaintiff, on numerous occasions, that she "had nice tits";
- b. Chapman telling Plaintiff, on numerous occasions, that she had a "nice ass";
- c. Chapman referring to Plaintiff and other female employees as "bitch";
- d. Chapman taking a picture of his penis and sending it to multiple female employees, of which Plaintiff was aware; and

- e. Chapman asking, Mary Filonardi, Recruiter, in Plaintiff's presence, "Do you think your pussy's that pretty?", when he saw Ms. Filonardi with a cell phone lying in her lap.

21. Plaintiff complained of Defendants' unlawful behavior on numerous occasions, including to Ms. Frake, Isaiah Black, Operations Manager, and Patula Wilson, Senior Director of Human Resources.

22. Defendants failed to take appropriate remedial action and Plaintiff continued to be subjected to sex discriminatory conduct.

23. Subsequent to Plaintiff's complaints of unlawful treatment, she was subjected to sex discriminatory and retaliatory treatment. Defendants' unlawful conduct included, but was not limited to:

- a. Chapman instructing a direct report to follow Plaintiff around and shadow her throughout the day, so that he could keep track of her whereabouts;
- b. Chapman unjustly disciplining Plaintiff on numerous occasions;
- c. Chapman speaking to Plaintiff in an aggressive and hostile manner, including, but not limited to, telling Plaintiff that he needed "to know every fucking move" she makes;
- d. Chapman requesting that Plaintiff's job duties and authorities be diminished, which Defendants agreed to do; and
- e. Chapman requesting that Plaintiff be demoted to the position of Quality Control Assistant, to which Defendants agreed.

24. Defendants repeatedly failed to take appropriate remedial action.

25. Defendants' continued unlawful treatment of Plaintiff caused her anxiety, panic attacks, and stress, thereby necessitating that she take a medically necessary leave of absence on or about October 2, 2015.

26. Based on the hostile and continued discriminatory and retaliatory treatment to which Plaintiff was subjected, Plaintiff was constructively discharged from her employment, and she informed Defendants she was unable to return work on or about October 9, 2015.

27. Plaintiff's working conditions were so intolerable that a reasonable person could not have continued working for Defendants.

28. Plaintiff's sex was a motivating and/or determinative factor in connection with Defendants' treatment of her, including, the hostile work environment to which she was subjected and terminating her employment.

29. Plaintiff's complaining of sex discrimination was a motivating and/or determinative factor in connection with Defendants' treatment of her, including, the hostile work environment to which she was subjected and the termination of her employment.

30. Plaintiff was subjected to severe and/or pervasive conduct that that interfered with her ability to perform her job duties and was not welcomed by Plaintiff, thereby creating a hostile work environment.

31. The discrimination and retaliatory conduct of Defendants, as alleged herein, was severe and/or pervasive enough to make a reasonable employee believe that the conditions of her employment had been affected and that a hostile work environment existed, and make Plaintiff believe that the conditions of her employment had been affected and that a hostile work environment existed.

32. The retaliatory actions taken against Plaintiff after she complained of discriminatory conduct and a hostile work environment would have discouraged a reasonable employee from complaining of discrimination.

33. Defendants failed to prevent or address the discriminatory and retaliatory conduct referred to herein and further failed to take appropriate corrective and/or remediation measures to make the workplace free of harassing, discriminatory and retaliatory conduct.

34. As a direct and proximate result of the unlawful conduct of Defendants complained of herein, Plaintiff has in the past incurred, and will in the future incur, a loss of earnings and/or earning capacity, pain and suffering, embarrassment, humiliation, loss of self-esteem, mental anguish, and/or loss of life's pleasures, the full extent of which is not known at this time.

COUNT I – TITLE VII

35. Plaintiff incorporates herein by reference the paragraphs above, as if set forth herein in their entirety.

36. By committing the foregoing acts of discrimination, retaliation, and harassment, Defendants have violated Title VII.

37. Said violations were done with malice and/or reckless indifference to Plaintiff's rights and warrant the imposition of punitive damages.

38. Plaintiff is entitled to all costs and attorneys' fees incurred as a result of the unlawful behavior complained of herein.

39. As a direct and proximate result of Defendants' violations of Title VII, Plaintiff has suffered the damages and losses set forth herein.

40. Plaintiff is now suffering and will continue to suffer irreparable injury and

monetary damages as a result of Defendants' discriminatory and retaliatory acts unless this Court grants the relief requested herein.

41. No previous application has been made for the relief requested herein.

COUNT II – PHRA

42. Plaintiff incorporates herein by reference the paragraphs above, as if set forth herein in their entirety.

43. By committing the foregoing acts of discrimination, retaliation, and harassment, Defendants have violated the PHRA.

44. Plaintiff is entitled to all costs and attorneys' fees incurred as a result of the unlawful behavior complained of herein.

45. As a direct and proximate result of Defendants' violations of the PHRA, Plaintiff has suffered the damages and losses set forth herein.

46. No previous application has been made for the relief requested herein.

COUNT III - PFPO

47. Plaintiff incorporates herein by reference the paragraphs above, as if set forth at length herein.

48. By committing the foregoing acts of discrimination, retaliation, and harassment against Plaintiff, Defendants have violated the PFPO.

49. Defendants acted willfully and intentionally, and with malice and/or reckless indifference to Plaintiff's rights, thereby warranting the imposition of punitive damages.

50. As a direct and proximate result of Defendants' violation of the PFPO, Plaintiff has sustained the injuries, damages and losses set forth herein and has incurred attorneys' fees and costs.

51. Plaintiff is now suffering and will continue to suffer irreparable injury and monetary damages as a result of Defendants' discriminatory and retaliatory acts unless this Court grants the relief requested herein.

52. No previous application has been made for the relief requested herein.

RELIEF

WHEREFORE, Plaintiff seeks damages and legal and equitable relief in connection with Defendants' improper conduct, and specifically prays that the Court grant the following relief to the Plaintiff by:

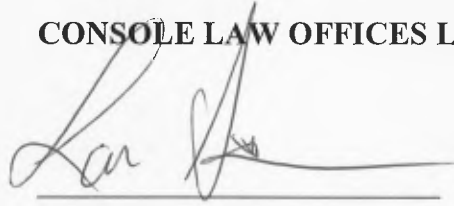
- a. declaring the acts and practices complained of herein to be a violation of Title VII;
- b. declaring the acts and practices complained of herein to be a violation of the PHRA;
- c. declaring the acts and practices complained of herein to be a violation of the PFPO;
- d. enjoining and restraining permanently the violations alleged herein;
- e. awarding compensatory damages to Plaintiff to make Plaintiff whole for past and/or future lost earnings;
- f. awarding compensatory damages to Plaintiff for past and future emotional upset, mental anguish, humiliation, loss of life's pleasures, and pain and suffering;
- g. awarding punitive damages to Plaintiff;
- h. awarding Plaintiff the costs of this action, together with reasonable attorneys' fees;

- i. awarding Plaintiff such other damages as are appropriate under Title VII, the PHRA, and the PFPO; and
- j. granting such other and further relief as this Court deems appropriate.

Date: 9/2/16

By:

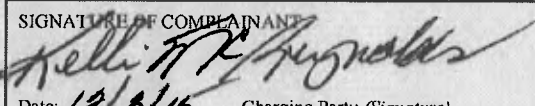
CONSOLE LAW OFFICES LLC



STEPHEN G. CONSOLE
LANE J. SCHIFF
1525 Locust St., 9th Floor
Philadelphia, PA 19102
(215) 545-7676
(215) 545-8211 (facsimile)

Attorneys for Plaintiff, Kelli McReynolds

EXHIBIT A

CHARGE OF DISCRIMINATION		AGENCY Q FEPA X EEOC	CHARGE NUMBER
This form is affected by the Privacy Act of 1974; See privacy statement before consolidating this form.			
STATE OR LOCAL AGENCY: PHRC			
NAME (Indicate Mr., Ms., Mrs.) Kelli McReynolds		HOME TELEPHONE NUMBER (Include Area Code) [REDACTED]	
STREET ADDRESS [REDACTED]		CITY, STATE AND ZIP Philadelphia, PA 19145	DATE OF BIRTH [REDACTED]
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP, COMMITTEE, STATE OF LOCAL GOVERNMENT WHO DISCRIMINATED AGAINST ME (If more than one than list below)			
NAME Focus Pointe Global	NUMBER OF EMPLOYEES, MEMBERS > 100	TELEPHONE (Include Area Code) 215-701-1500	
STREET ADDRESS 100 East Penn Square, Suite 1200	CITY, STATE AND ZIP Philadelphia, PA 19107	COUNTY Philadelphia	
CAUSE OF DISCRIMINATION (Check appropriate box(es)) 0 Race 0 Color XX Sex 0 Religion 0 National Origin 0 Retaliation 0 Age 0 Disability 0 Other (Specify)		DATE DISCRIMINATION TOOK PLACE Earliest _____ Latest October 9, 2015	
<u>The Particulars Are:</u>			
A. 1. <u>Relevant Work History</u>			
Respondent hired me on or about July 27, 2007 as a Recruiter. On or about July 19, 2011, Respondent promoted me to Quality Control Coordinator. At all relevant times hereto, I reported to Kelly Frake (female), Executive Vice President, Recruiting Department.			
Throughout my more than eight (8) years of employment with Respondent, I have been a dedicated, loyal and hardworking employee. At no time prior to my constructive discharge on October 9, 2015, did Respondent subject me to progressive discipline or place me on a Performance Improvement Plan.			
<input checked="" type="checkbox"/> I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures		NOTARY - (when necessary for State and Local Requirements)	
I declare under penalty or perjury that the foregoing is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information, and belief.	
SIGNATURE OF COMPLAINANT  Date: 12/3/15 Charging Party (Signature)		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day Month, and year)	

EEOC Charge of Discrimination
Page 2 of 3
Kelli McReynolds v. Focus Pointe Global

2. Harm Summary

Respondent has discriminated against me because of my sex (female), including, but not limited to, subjecting me to a hostile work environment and constructively discharging my employment. Evidence of Respondent's discriminatory conduct includes, but is not limited to, the following:

- (a) In or around January 2014, David Chapman (male), Assistant Supervisor, Recruiting Department, asked my co-worker, Mary Filonardi (female), "Do you think your pussy's that pretty?", when he saw Ms. Filonardi with a cell phone lying in her lap.
- (b) Ms. Filonardi and I reported Mr. Chapman's comment to Ms. Frake. Ms. Frake responded to our complaint with "he (Mr. Chapman) didn't say that."
- (c) Upon information and belief, Respondent failed to investigate Ms. Filonardi and my complaint and/or take any disciplinary action against Mr. Chapman for his discriminatory conduct.
- (d) From in or around October 2014 through in or around October 2015, Mr. Chapman would engage in discriminatory conduct towards me, including, but not limited to, the following:
 - i. Mr. Chapman would tell me I "had nice tits" and that he had "dreams about you [me]";
 - ii. From October 2014 through October 9, 2015, Mr. Chapman would refer to myself and my female co-workers as "this bitch";
- (e) From in or around October 2014 through in or around October 2015, I repeatedly reported Mr. Chapman's discriminatory comments and conduct to Ms. Frake. Upon information and belief, Respondent failed to investigate my complaints and/or take any disciplinary action against Mr. Chapman for his discriminatory conduct towards me.
- (f) I also repeatedly reported Mr. Chapman's discriminatory comments and conduct to Isiah Black (male), Operations Manager, Recruiting Department. Upon information and belief, Respondent failed to investigate my complaints and/or take any disciplinary action against Mr. Chapman for his discriminatory conduct towards me.
- (g) In or around August 2015, I reported Mr. Chapman's discriminatory conduct, including his subjecting me to a hostile work environment, to Petula Wilson, Senior Director of Human Resources.
- (h) Upon information and belief, Respondent failed to investigate my complaints of Mr. Chapman's discriminatory conduct and/or take any disciplinary action against Mr. Chapman for his discriminatory conduct towards me.

EEOC Charge of Discrimination
Page 3 of 3
Kelli McReynolds v. Focus Pointe Global

- (i) On or about October 2, 2015, I took medical leave from Respondent due to a medical condition I suffered from as a result of Respondent's discriminatory conduct towards me, including subjecting me to a hostile work environment.
- (j) On or about October 9, 2015, I resigned from my employment with Respondent. My resignation was a result of Respondent's discriminatory conduct, which created objectively intolerable employment conditions.

B. 1. Respondent's Stated Reasons

- (a) Respondent has offered no reason for discriminating against me, including subjecting me to a hostile work environment, based on my sex.
- (b) Respondent has offered no reason for constructively discharging my employment.

C. 1. Statutes and Bases for Allegations

I allege that Respondent has discriminated against me based on my sex (female), including subjecting me to a hostile work environment and constructively discharging my employment, in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000, et seq. ("Title VII") and the Pennsylvania Human Relations Act, as amended, 43 P.S. §951 *et seq.* ("PHRA").

INFORMATION FOR COMPLAINANTS & ELECTION OPTION
TO DUAL FILE WITH THE
PENNSYLVANIA HUMAN RELATIONS COMMISSION

Kelli McReynolds v. Focus Pointe Global

EEOC No. _____

You have the right to file this charge of discrimination with the Pennsylvania Human Relations Commission (PHRC) under the Pennsylvania Human Relations Act. Filing your charge with PHRC protects your state rights, especially since there may be circumstances in which state and federal laws and procedures vary in a manner which would affect the outcome of your case.

Complaints filed with the PHRC must be filed within 180 days of the act(s) which you believe are unlawful discrimination. If PHRC determines that your PHRC complaint is untimely, it will be dismissed.

If you want your charge filed with the PHRC, including this form as part of your EEOC charge, with your signature under the verification below, will constitute filing with the PHRC. You have chosen EEOC to investigate your complaint, so PHRC will not investigate it and, in most cases, will accept EEOC's finding. If you disagree with PHRC's adoption of EEOC's finding, you will have the chance to file a request for preliminary hearing with PHRC.

Since you have chosen to file your charge first with EEOC, making it the primary investigatory agency, the Respondent will not be required to file an answer with PHRC, and no other action with PHRC is required by either party, unless/until otherwise notified by PHRC.

If your case is still pending with PHRC after one year from filing with PHRC, you have the right to file your complaint in state court. PHRC will inform you of these rights and obligations at that time.

[Sign and date appropriate request below]

X I want my charge filed with PHRC. I hereby incorporate this form and the verification below into the attached EEOC complaint form and file it as my PHRC complaint. I request EEOC to transmit it to PHRC.

X I understand that false statements in this complaint are made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

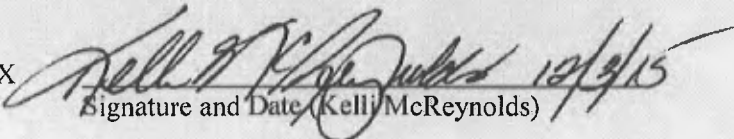
X  12/9/15
Signature and Date (Kelli McReynolds)

EXHIBIT B

EEOC Form 161 (11/09)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Kelli McReynolds**
 [REDACTED]
 Philadelphia, PA 19145

From: **Philadelphia District Office**
 801 Market Street
 Suite 1300
 Philadelphia, PA 19107



On behalf of person(s) aggrieved whose identity is
 CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

530-2016-01258

Legal Unit,
 Legal Technician

(215) 440-2828

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was **not** timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Spencer H. Lewis, Jr.,
 District Director

6/6/16
 (Date Mailed)

Enclosures(s)

cc:

Laura Pritchard
 Human Resources Manager
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 100 Penn Square East
 William Penn Annex West, PA 19107

Nicolas Romeo
 CONSOLE LAW OFFICES
 1525 Locust Street
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